



PROVO MUNICIPAL COUNCIL

Work Meeting

12:30 PM, Tuesday, July 19, 2016
Room 310, City Conference Room
351 West Center

Agenda

Roll Call

Prayer

Approval of Minutes

May 17, 2016 Council-Parks and Recreation Joint Meeting

July 5, 2016 Work Meeting Minutes

April 19, 2016 Work Meeting Minutes

June 21, 2016 Work Meeting Minutes

Upcoming Policy Items referred from the Planning Commission

1. A discussion on an ordinance amending the notice requirements for certain public hearings before the Planning Commission to mirror State Code and allowing amendments to the General Plan more often than twice per year. City-wide Impact. (16-0007OA)

Mayor's Items and Reports

2. A report on the possible funding mechanisms for the infrastructure improvements at the Provo Municipal Airport for Duncan Aviation. (16-085)
3. A discussion on the Parks and Recreation Department Budget.

Council Business: Outcomes and Ends Policies

4. A discussion on an ordinance amending Chapter 8.02 (Animal Control Generally) with regards to keeping of swine. (16-084)

5. A discussion on how the Community Housing Trust is working in Park City. (16-083)

Closed Meeting

Informal discussion may be held in the Council Conference Room between 4:30 pm and 5:30 pm.

Adjournment

Materials and Agenda: <http://publicdocuments.provo.org/sirepub/meet.aspx>

Council Blog: <http://provocitycouncil.blogspot.com/>

If you have a comment regarding items on the agenda, please email or write to Council Members. Their contact information is listed on the Provo website at:

<http://provo.org/government/city-council/meet-the-council>

The next scheduled Regular Council Meeting will be held on 08/02/2016 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Session meeting start times is to be determined and will be noticed at least 24 hours prior to the meeting time, but typically begins between 1:00 and 4:00pm.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email ljorgensen@provo.utah.gov at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. The Council Meeting is also broadcast live Provo Channel 17 at <https://www.youtube.com/user/ProvoChannel17>. For access to past Work and Council Meetings, go to playlists on <https://www.youtube.com/user/ProvoChannel17>.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at council.provo.gov. Council Meeting agendas are available through the Utah Public Meeting Notice website at pmn.utah.gov. Email subscriptions to the Utah Public Meeting Notice are available through their website.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Network for public access is "Provo Guest", password "provoguest".



PROVO MUNICIPAL COUNCIL/ PARKS AND RECREATION BOARD JOINT MEETING

11:30 AM, Tuesday, May 17, 2016
Room 310, Provo City Conference Room
351 West Center Street, Provo, Utah

THE FOLLOWING ELECTED OFFICIALS WERE PRESENT:

Council Member David Harding
Council Member David Knecht
Council Member Kim Santiago
Council Member George Stewart
Council Member David Sewell
Council Member Vernon K. Van Buren
Council Member Gary Winterton
Mayor John R. Curtis

Conducting: Council Chair Kim Santiago

THE FOLLOWING PARKS AND RECREATION BOARD MEMBERS WERE PRESENT:

Bryant Livingston, Chair
Bruce Snow, Vice-Chair
Claralyn Hill
Lisa Brockbank
Robin Roberts
Brent Edgington
Bill Fillmore

Agenda

Roll Call

Prayer

Council Member Kim Santiago offered the prayer.

A discussion on the Golf, Covey Center, and Peaks Arena.

Scott Henderson, Director of Parks and Recreation, presented. The Parks and Recreation

Board recently received an excellent presentation from Brett Watson, PGA Professional Golfer, regarding the golf course. The Provo golf course is an area that is under more scrutiny and focus than any other. Telling the golf course story and how vibrant it is, must be told.

Brent Eddington, Board Member, has played on it for 25 years and has had a diverse look at it over the years.

Mr. Eddington spoke of the wonderful asset the golf course is to the community. Brett Watson is the pro and Randy Price is the Green Superintendent who are both doing an exceptional job. It is great to see youth camps on the course which gives these young people an opportunity to do something good. It will stick with them throughout their lives.

Mr. Henderson said the golf course has another subsidy reduction on the forthcoming budget. This shows the golf courses continued success in increasing its capacity and reducing its subsidy by \$10,000 due to additional play. Sixty Thousand plus rounds are played on the golf course each year. He believes this is the next success story likened to the Recreation Center. The Provo Golf Course was named as the number one golf course in Utah Valley.

Clara Lynn Hill, Board Member, spoke of the value the golf course has for many citizens who benefit from it.

Doug Robins, Assistant Director of Parks and Recreation, spoke of the proximity of the golf course off of I-15 as a great value to those who use it. The savings on the water costs is also a benefit. 60% of the water comes out of the treatment plant. There are pump costs but no treatment costs. Because it is built on a landfill, it is more expensive for commercial development and use.

Mr. Henderson invited the Council to tour the golf course at holes 9, 10 & 11 to see the commercial value of this piece of land and the continuance of maintaining the 18 hole course. Golf professionals support these three holes going to commercial development. The course could be better if this happened. This contingency is in place. The Canyon site is an exciting possibility. All the infrastructure would need to be put in place before this ever became a possibility. Golf has gone through a dip nationwide, but with Provo's academy course, the use is going up which makes for an exciting future.

Council Members discussed:

1. The budgeted subsidy and actual subsidy.
2. The short course.
3. The girls program (they won State last year).
4. The cost of development of this site since it was a landfill.
5. Last year's operating actual (\$62,000) and the budgeted (\$80,000. Mr. Henderson was asked to report back to the Council on this.

Long Range/Next Level Facilities

Bruce Snow, Parks and Recreation Board, spoke about how the Vision 2050 Plan gives hope and a plan for future development of Parks and Recreation. Underutilization of the Provo River is pretty dramatic and doing something with it gives a hope and a plan. This is the same regarding Utah Lake Beach. The State, County and City have been meeting about the Utah Lake Beach. These are very exciting development meetings. It makes sense to have this kind of development and to have access to the lake. The plan is getting better and more feasible. Doug Robins said they are ready to roll out the feasibility plan that has been developed and would like to introduce it to the City Council and the County. The connection of the city trails to the Salt Lake trails plays a part in this.

Regional Sports Park

Scott Henderson, Director of Park and Recreation, said there is a great demand for sports parks use other than baseball. The school districts in other cities decided to not rent their fields out anymore. The sports programs turned to Provo City for help and use of its sports fields. The economic development of a regional sports park of 70 to 100 acres for regional competitions is greatly needed for others and local kids.

Lisa Brockbank, Parks and Recreation Board, presented. She has met with City Administration discussing a way for access for local events and for other groups. Those playing LaCrosse and Soccer events need green space to develop their talents. We want these kids to be out recreating. The demand is huge. Repurposing the fields has been very taxing. The sports complex could be an answer to a growing need. There are 15 leagues in Region 5 which does not include independent groups. Families would like to go to the games for their kids without going to three different fields. A sports park will help bring in economic development as well as people come in from other states.

Mr. Henderson said that a core mission of his department is to help keep people healthy and active. The Westside Connector has created some land acquisition opportunities on the east side that would reach this grand scale. The time to act is now before land ownership changes.

Council Members suggested some possibilities.

RAP Tax

Scott Henderson, Director of Parks and Recreation discussed the trust Provo citizens have put in the department through their passing of the Recreation Center Bond and the Recreation, Arts and Parks (RAP) Tax. The Board was involved with selecting priorities for the use of the RAP Tax after reviewing the Parks and Recreation Master Plan.

Bryant Livingston spoke of how there is great support for the RAP Tax. Council Member Kim Santiago said she has noticed the excitement from the citizens on what is happening in the upkeep and maintenance of the parks.

Adjournment



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:30 PM, Tuesday, July 05, 2016

Room 310, Provo City Conference Room

351 West Center, Provo, Utah

THE FOLLOWING ELECTED OFFICIALS WERE PRESENT:

Council Member David Harding
Council Member David Knecht
Council Member Kim Santiago
Council Member George Stewart
Council Member Vernon K. Van Buren
Council Member Gary Winterton
Mayor John R. Curtis

Excused: Council Member David Sewell
Conducting: Council Chair Kim Santiago

Agenda

Roll Call

Prayer

Corey Norman, Deputy Mayor, offered the prayer.

Council Business: Outcomes and Ends Policies

1. A discussion on the proposed Keeping of Swine ordinance. (16-084)

Gary Millward, City Attorney, presented. The proposed ordinance introduced today increases the distance a pigsty must be located from a residential dwelling and increases the current codified distance from 100 feet to 300 feet. This ordinance is specific to swine. Bill Peperone, Assistant Director of Community Development, clarified that if this ordinance passes, the ordinance on animals introduced a few weeks ago would be null and void.

Council Member David Harding supports this ordinance with the change that the distance be from the property boundary rather than a dwelling. He stated that the justification for the other ordinance reviewed a few weeks ago made a strong case for buffering between agricultural and residential uses.

Council Member David Knecht said some people have written to him regarding their concerns about taking away animal rights of established farmers. Therefore, he would like to address only the issue surrounding swine. Council Kim Santiago said the previously discussed animal proposal brought forth by Community Development was introduced a few weeks ago to mitigate possible problems regarding agricultural areas next to residential areas. Council Members discussed whether to consider both animal proposals or to address just the swine issue. One of the concerns raised is that when residential zoned housing is built next to an agricultural zoned land, they begin to make demands upon the farmers.

Mr. Milward said the State statute allows municipality authority broad discretion related to pigsty. It does not specifically say how to deal with it but rather, leaves it up to the municipality to establish their own rules. The ordinance introduced today has to do with Animal Control rather than a zoning issue, therefore making it easier to enforce.

Some of the questions raised and need more consideration were:

1. What kind of buffering is in place for the agriculture zone?
2. Are there other zones we need to be concerned about?
3. Do we have enough feedback from those with agriculture experience?
4. Are the farmers being protected so they can raise the animals they choose?
5. Is the 300' distance enough?

Council Member Kay Van Buren would like to have a public hearing to see what the local farmers have to say about the issue.

Mayor John Curtis said there is not much of a difference in enforcement whether the distance is from the dwelling or the property line.

Motion: Council Member David Knecht moved this item forward to the July 19, 2016 Council Meeting. In addition, addressing the changes of use to be a distance of 300 feet from the property line. Seconded by Council Member George Stewart. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: The motion passed 6:0 Council Member David Sewell excused.

Mayor's Items and Reports

2. A discussion on the Parkway Plaza Potential Redevelopment Area. (16-087)

David Walters presented. The Plum Tree Plaza area has been purchased by Westport Capital, located in California. They have an ambitious plan for the property and will make a formal submittal in the near future. The new owners feel that focusing solely on retail is not a winning strategy for the center and are looking to add hospitality (hotel), residential and office elements to the center. They do believe retail uses will still have a place in the new center but those uses will be a supporting role and not the driving force behind the

rehabilitation of the complex.

They are anticipating 300,000 square feet of office space. In order to meet all the parking ratios required, they are requesting the Redevelopment Agency consider adopting a Community Reinvestment Project Area for just the plaza area.

Dixon Holmes, Director of Economic Development, informed the Council that Westport Capital is bringing energy and momentum to this area of Provo. The mix of use in the area is needed and market driven. Currently, they are lining up tenants, one already announced is Café Rio. Brandon Fugal (top agent in Utah) has been hired to work with them.

Westport Capital has not requested in taxing or fee waivers. The plan is for \$140 Million in improvements and \$30 Million in taxes above what we are getting.

Motion: Council Member George Stewart moved this item to the July 19th 2016 Council Meeting. Seconded by Council Member David Harding.

Roll Call Vote: The motion passed 6:0. Council Member David Sewell excused.

3. The funding of utility and infrastructure improvements at the Provo Municipal Airport for Duncan Aviation. (16-085)

Wayne Parker, CAO, introduced this item. He gave a brief history of Duncan Aviation and their search in 2007 for a Western States location for their business. Duncan began their relationship and conversations with Provo at that time while choosing between two site selections in Utah and one in New Mexico. Duncan chose Provo for their site. Duncan is bringing approximately 600-700 household sustaining jobs which is a key economic development factor for Provo. Duncan needed time to work through the economic recession which hit in 2008. Duncan set up a small facility at that time in Provo for one of their clients. The environmental work has been completed with the State Department of Environmental Quality and the Governor's Office of Economic Development. The Duncan/Airport project has been in the works for ten years and we are now in a position to bring a larger scale operation to the Provo Airport.

Dixon Holmes, Director of Economic Development, presented. In 2008, a Provo contingency made a trip to Battle Creek, Michigan to tour Duncan's facilities. Another tour in August is being planned to visit the Lincoln, Nebraska facilities. The enticement package to Duncan from the City was not competitive, even though the competition was very tough. The utility and infrastructure is not in place to support business, commercial, and other future development. The Council has set-up by General Plan, future development at the airport at the area South of 3110, on the East and West side. The recently adopted Strategic Economic Development Plan identifies aviation as a key component.

Bill Prochazka, Duncan Aviation Chief Operating Officer, presented the company's experience, core values and processes to the Council. The company is a family oriented company. The reasons given for choosing Provo, Utah were:

1. Utah has one of the lowest crime rates in the nation which is less than half the national average.
2. Utah has one of the lowest unemployment rates in the nation, currently under 4%.
3. Utah and Provo are both very friendly, family-oriented areas.
4. Solid infrastructure planning and strong community relationships exist within Provo.

Mr. Prochazka suggested that Provo maintain a buffer zone of agriculture around the airport. His employees average \$30.00 per hr.

Teresa Foxley, Deputy Director in the Governor's Office of Development, said the statewide impact of new wages Duncan will bring is \$389 Million which translates to \$20 Million in new State revenues. \$53 Million will be spent on this project. Phase one will bring 425 jobs. Phase two will bring approximately 700 jobs, all high paying wages which is 150% of Utah's average. This will diversify the communities economic and education ladders.

Jeff Edwards, Economic Development Corporation of Utah said that Duncan is a top company with an outstanding reputation for taking care of aviation business and for keeping their word. In the last decade, commercial aviation has grown along with other aviation uses. This will grow the States aviation industry as a whole and his corporation is very supportive.

Steve Gleason, Airport Manager, said that Duncan is respected in the aviation community. This investment will increase the reputation of Provo Airport and provide 6 cents per gallon revenue to the city. Duncan will also ensure that Provo keeps its control tower which ensures FAA funding to maintain the airport. The eight mile runway was paid for by the FAA. The airport infrastructure that will be needed includes roads, curb, gutter, sewer, storm drain, and power. A list of the needed infrastructure expenditures (\$2,813,707.47) was shared with the Council. Provo City received an APA Grant which will pay for the building of a \$7 Million public ramp. The FAA has put in \$1 Million to help build the ramp. The ramp is for the parking of diversion aviation traffic from Salt Lake City airport. The ramp is made of extra thick and strong concrete for the parking of these planes. The time has come to build the infrastructure.

Dixon Holmes and other city departments have worked together to find funding for the infrastructure. Mr. Holmes reviewed the funds available for the airport from various departments. Council Members were not comfortable with drawing funds from the Public Works Water Department because of the great need for those funds. They asked for other options. Council Member George Stewart asked for consideration of using power revenues instead of water to finance this (Interfund Transaction with Energy Fund). Wayne Parker said this would put our bonding out a year in terms of the Capital Improvement Plan.

David Walter, Redevelopment Agency Director, presented another funding option:

1. Community Development Block Grant (CDBG) has funds that can be used for jobs

creation. We would get a loan guarantee and then pay it back through CDBG. This would be paid back through an existing revenue stream.

Council Chair Kim Santiago requested the Administration come back with low, middle, and high funding options and hear this on the July 19, 2016 Work Meeting.

Motion: Council Member George Stewart moved to have a resolution to authorize Mayor John Curtis to sign a commitment letter on the part of the City for the infrastructure financing as defined in the Work Meeting today. This resolution will be prepared for the July 19, 2016 Council Meeting. Seconded by Council Member David Harding.

Note: This item will also be heard at the next Work Meeting to receive from Administration the low, middle and high option for funding and other possible funding mechanisms.

Roll Call Vote: The motion passed 6:0. Council Member David Sewell excused.

Council Executive Director's Items and Reports

4. A discussion on updating the explanatory text for the 2016 Council Priorities. (16-015)

Council Member David Harding presented. Two weeks ago, the Council discussed a couple of changes that were made and time was given to Council Members to review the text.

Council Members discussed the following in relation to priority 5, Budgeting to Priorities:

1. Implementing the review of city programs will take time and effort
2. Administration's unclearness as to what budgeting to priorities means.
3. Council will be able to tie the budget with their outcomes. Then a determination can be made as to the priority of city programs.
4. Better articulate how the Council goals and priorities line-up with the City's existing long term goals such as Vision 2030 and the General Plan.
5. The difficulty Council Members have when appropriations come before them and the inability to see how it fits in comparison with city programs and Council priorities.

Mr. Harding reminded the Council Members of the purpose of the discussion which is to approve the nine priority sheets in the current format so that they may be put on the website. Clifford Strachan added that the current document is a good beginning in moving the city budget in the right direction.

Council Members continued the discussion on:

1. More specificity of the budget will lead to better Administrative understanding and greater transparency for the public.
2. It was suggested that at each Work Meeting, Council could pick a priority to discuss and evaluate.
3. The priorities and goals are meant to provide a high level of direction to the Administration as to where the Council would like to go.
4. The Budget Committee could look at twenty-five fees quarterly and review the budget earlier.

It was requested that the section on the Budget to Priorities sheet entitled “A budget in the following format” should be removed and that a letter conveying this same information to the Administration through a letter.

The 2016 Council Priorities is to be placed on the website this coming week.

Motion: Council Member David Knecht moved to accept the 2016 Council Priority Sheets as currently formatted and to delete the section titled: “A budget in the following format” along with the bullet points underneath and a letter to be sent to the Administration reiterating this section as a formal request. The deleted section will be discussed further by the Council in a future Work Meeting. Seconded by Council Member Gary Winterton. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

5. A discussion on Council Committees.(16-088)

A request has been made by Council Member Kay Van Buren to make a change to the Ad Hoc Housing Committee and the Development Review Committee.

Motion: Council Member Gary Winterton moved to approve Council Member David Knecht as Chair of the Ad Hoc Housing Committee. Seconded by Council Member George Stewart. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

Motion: Council Member David Harding moved to approve Council Member David Knecht to the Development Review Committee to replace Council Member Kay Van Buren. Seconded by Council Member Gary Winterton. Approved 6:0. Council Member David Sewell excused.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

6. A status update on commercial trampoline gym facilities. (16-089)

Council Chair Kim Santiago presented. She explained that the trauma surgeons at the Utah Valley Hospital had asked for a review of regulations regarding commercial trampoline gym facilities because of the alarming amount of injuries and severity of those injuries caused in these facilities. The gyms are currently self-regulating. The members of the trampoline gym stakeholders are: a trauma surgeon, interim fire chief Tom Augustus, a trampoline gym owner, a parent/citizen and a member of the health department. Brian Jones, Council Attorney has been instrumental in putting legislation together.

It is important to have all gyms playing by the same rules rather than learning by trial and error. It is the hope that the State Legislators will address this issue statewide and put in some regulations.

The Trauma Surgeons love that children are being active, but this activity needs to be done safely to reduce the number of injuries and severity.

This is an update only.

Closed Meeting

7. The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

Brian Jones, Council Attorney, stated the reason for holding a closed meeting is to consider a motion to close the meeting to discuss the purchase, sale, exchange, or lease of real property.

Motion: Council Member David Knecht moved to close the meeting. Seconded by Council Member Kay Van Buren.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.

Motion: Council Member David Harding moved to adjourn. Seconded by Council Member Gary Winterton.

Roll Call Vote: Approved 6:0. Council Member David Sewell excused.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

12:00 PM, Tuesday, April 19, 2016

Room 310, Provo City Conference Room

351 West Center

Public Document Access: <http://publicdocuments.provo.org/sirepub/docs.aspx>

THE FOLLOWING ELECTED OFFICIALS WERE PRESENT:

Council Member David Harding

Council Member David Knecht

Council Member Kim Santiago

Council Member David Sewell

Council Member George Stewart

Council Member Gary Winterton (joined the meeting by phone)

Mayor John R. Curtis (joined the meeting at 1:30 PM)

Excused: Council Member Vernon K. Van Buren

Conducting: Council Chair Kim Santiago

Agenda

Roll Call

Prayer

Prayer offered by Council Member David Sewell.

Council Business: Outcomes and Ends Policies

1. A discussion on a recommendation from the Municipal Council Budget Committee on 2016-2017 Budget Preparation Guidelines. (16-041)

Council Chair Kim Santiago presented. In a previous work session, priority based budgeting was discussed and the Administration is looking for more clarification on what this entails. The Budget Committee worked on clarification, discussed this with the Mayor and would now like to share and discuss this with the rest of the Council.

The Council seeks to implement a "budgeting to priorities" approach and has established guidelines to create greater clarity and understanding of costs associated with city government activities.

2016-2017 Budget Preparation Guidelines
Provo City Council

The Council's objective in providing this guidance to the Administration is to obtain greater clarity and understanding regarding the organization and associated cost of city government activities. This improved understanding will allow the Council to make more informed resource allocation decisions in setting the final budget.

As articulated previously, the Council seeks to more fully implement a "budgeting to priorities" approach. The Council believes responsible and responsive governance requires that budget information and decisions should be structured according to formally identified and adopted goals and objectives. The Council recognizes that full implementation of this approach will require concerted effort over several budget cycles.

In preparing the budget request for the 2016-2017 fiscal year, the budget should adhere to the following guidelines. The long-term goal of full implementation of the "budgeting to priorities" approach across the entire budget should be kept in mind and all future budgets should move closer to such a format.

- The Executive Summary section should be revised to include and reflect the Council's priorities in addition to the Mayor's letter and other information currently included.
- The FTE Summary included in the Financial Information section should include a column showing the actual FTE count as of April 1, 2016.
- For each department funded through the General Fund and for all Enterprise Funds, a description of department functions, goals, and accomplishments should be included as at present. In addition, the principal programs within the department should be listed, along with a brief description of their intended function. In this context, a "program" is a grouping of activities related to a specific objective. Examples might include zoning enforcement, youth recreation, emergency medical response, meter reading, etc.
- For each program within a department, a narrative description of how the program furthers city council goals should be included.
- In addition to overall historical, current and planned expenditures, the budget request for each department should include
 - The approved FTEs for 2015-2016, the actual FTE personnel dedicated to each program as of April 1, and the proposed FTEs for the 2016-2017 budget year. The five-year history of approved positions is helpful and should be retained if practical.
 - The expected revenues generated by each department in the coming year by source (i.e., fees, fines, grants, etc.). Operating subsidies from the General

Fund need not be identified separately.

- In addition to the above, the Police and Fire Departments and all Enterprise Funds are asked to disaggregate their overall budget requests by program. The total of these requests should sum to the total department budget request. (Other departments will be asked to provide a similar disaggregation in future years.)
- 2016-2017 budget requests for Special Revenue Funds, Capital Improvement Funds, Internal Service Funds and Debt Service Funds may either incorporate the above guidelines or follow the current budget format.

Mayor John Curtis discussed:

1. The Administration has been very supportive of sharing data with Council.
2. The Administration is also supportive of looking at programs in the Departments. Some of these programs are already being tracked which can be accommodated in this year's budget.
3. For the last few years Administration, under the direction of the Council, has been simplifying the budget to get it more digestible for not only Council Members but for residents.
4. One area the Administration is not comfortable with is the philosophical change of how the budget is done.
5. Mayor Curtis questioned the 4th bullet point on the priority list "for each program within a department, a narrative description of how the program furthers City Council's goals should be included".

Reasons for pushback by the Administration on #5:

- Directors delivered their budgets before the Council goals were established. For Departments to go back and try to align their budget with the Council goals would be very difficult.
- The question is, "Are we budgeting towards Council goals, City goals or Administration goals"? Mayor Curtis feels we should be budgeting towards City goals. Council goals have not had the public vetting yet to call them City goals.
- The impractical amount of time to make major changes when the budget is due in two weeks, makes it a pretty significant task for the Administration.

Dustin Grabau, Budget Office Controller, explained many of the concerns and differences between the former structured budget documents and the new budget documents according to the Council's request. Some of the concerns of these budgeting proposals is there needs to be a more holistic discussion. As Provo 360 rolls out, Council Staff should be involved in the discussion around making some of these changes to the orgs and how the costs are allocated and reflected so they are transparent. The Administration's intent is to be

sensitive to Council's demands and present a budget that includes the level of breakdown requested, including transparency. John Borget, Administrative Services Director, said the department directors have been given latitude to set-up their departments the way they want or what meets their needs. It does make sense that we are more systematic and standardized across the City in how we set it up. This is the perfect time as we work on the 360 Project.

Larry Walters, Budget Committee, said he greatly appreciates the responsiveness of the Mayor and the Administrative Staff and that this is very helpful to the Council. He realizes there are inconsistencies and this will be accomplished over time. Council Member George Stewart also thanked them for their herculean effort.

Council Chair Santiago asked Council Members if the presentation today meets the Council's concerns and request of the Administration on the Budget.

Council Member David Harding suggested the Council define and refine the 9 Council Priorities, which are most important, as the conversion of the priority based budget continues. He feels City Values need to be clarified. Once the values are defined, we can evaluate if the budgeting is aligned with our values.

Mayor Curtis said the budget cannot change year to year based on Council Priorities. Vision 2030 is the adopted City goals by the Municipal Council and the Administration. We are close to merging this document into the General Plan. Priorities often need attention rather than funding. Only two of the nine Council Priorities need funding.

Council Member David Harding suggested the discussion today should be applied to the 2018 Budget because of timing. The Council should have these discussions early in the Budget process. Ms. Santiago agreed, but every year Administration says it is too late to change the budget when it is presented. She feels the Council needs to be a part of the budget process much earlier than when it is presented by the Mayor. Today is a good time to start on the next budget to effect change.

Council Member David Knecht expressed his desire for more detail by departments in their budget line items.

In clarification of David Armond's statement regarding exclusive authority, Mayor Curtis and George Stewart gave understanding. Mayor Curtis said that the Council does have legislative ability to make legislative policy but this does not give them exclusive right to make policy for the city such as goals, aspirations and visions. Elected leaders have this authority which is something that the Council and Mayor share. Council Member George Stewart agreed with the Mayor on understanding of the law that this is not exclusive to the Council.

Ms. Santiago stated that the Council would like to know what the priorities of the

departments are, program by program and how they stack up. She feels the Administration has this information and the Council would like it also to help them in their decision making.

Council Member George Stewart said that what the Council wants is more detail in the Budget so that when we spend money it is based on priorities. The Budget Committee feels the Mayor is to implement the policy set by the Council. Mayor Curtis suggested a Budget Retreat be held to discuss the Mayor and Council's roles.

Council Member David Harding suggested that Council and Mayor are headed in the same direction. The discussion has been that we now define these things and not wait. He feels good first steps have been made towards this effort this year and we know where we are going in the coming years. He would like to make tweaks to this document to encapsulate what the Administration can do. He would like to work with the Administration and let them make their tweaks.

There was a difference between Council and the Mayor on setting City Goals. Vision 2030 is being merged with the General Plan and will become city goals. Council has worked with constituency to come up with Council Goals and priorities.

Council Member George Stewart clarified that the Mayor can set priorities, goals or visions but it has to be implemented by the Council by ordinance or through budgeting. The Mayor may have great ideas, but the Council must approve them or they don't go anywhere. This is the balance in our form of government.

The Council priorities and goals are a multi-year process. Larry Walters suggested that the four over-arching goals are what guides the Council in coming years and if a program is not contributing to one of the over-arching goals, then why is the City doing the program?

Council Member David Harding said by developing a structure in the budget, it will facilitate the review of the budget. He would like the Council to get clear the priorities and goals, city goals and council goals by refining the format.

Motion: Council Member David Sewell moved this item back to the Budget Committee for further discussions between the Council and the Administration to iron out the wording differences. Seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0.

2. A follow-up discussion regarding the Community Development fees identified for review from the Consolidated Fee Schedule. (15-118)

Council Chair Kim Santiago reviewed the changes recommended on the Community

Development Fee Schedule. Council Members discussed the various changes that were requested at the last Work Meeting. Council Staff was asked to make sure the numbers provided are what was requested in the previous Work Meeting motion and to then bring forward a resolution. Some of the fees were higher than Orem City's fees and it was asked that they not exceed Orem's fees. Ms. Santiago reviewed the fees.

Some Council Members had questions regarding a few of the fees. It was suggested that this item continue so that numbers could be adjusted by the Council Staff.

This item was continued to the May 3, 2016 Work Meeting.

3. A discussion on citizen access to and participation in the policy-making process. (16-042)

Soren J. Schmidt, BYU Student, presented a general overview of his research and results regarding citizen access and participation to policymaking process.

Motion: Council Member David Harding made a motion that he will continue to work with staff and research this issue of public engagement and specifically on-line interaction. It will include other comparisons and other options. He will update the Council on May 17, 2016 Work Meeting. Seconded by Council Member David Sewell.

Roll Call Vote: The motions passed 7:0.

4. A discussion on funding for the Miss Provo Pageant (16-045)

Susan Bramble, Miss Provo Pageant, presented to the Council a brief history of the Miss Provo Pageant with funding given through the Provo City Mayor's office. The city funding was cut back in 2010 because of the economy. Ms. Bramble took over the program for the last 6 years and is requesting help from the Council to add additional funding so the pageant can continue. The pageant provides a scholarship for Miss Provo (\$3,000), first attendant \$1500 and the second attendant \$750. The Miss Utah fee is \$2,000 She described the rest of her budget. Robyn Pulham, Miss Provo Pageant, discussed what the women have done with their scholarships and service. The Mayor's office currently funds \$11,000 for the float. Ms. Bramble was requesting \$10,000 additional funds for the scholarships, the Miss Utah Fees and the Covey Center. The rest of the budget can be covered by sponsors.

Mayor John Curtis suggested that if the Council wants to fund the additional money, that the whole program be turned over to the Council budget and management rather than divided between the two departments. He also suggested that the Council consider priorities when stacked up against firemen and policemen and other priorities. He feels the

float is important to the parade, representing Provo. He said that he would support the Council's decision. Mayor Curtis said that it is important that the float coordinates with the City branding image.

Council Member George Stewart said he had no problem with including this program in the Council Budget and did not feel there would be much public complaint. In response to Council Member David Sewell inquiry regarding operational time staff would spend on this program, it was answered very little. Council Member David Harding was concerned about the amount of money spent on this program and does it outweigh other program funding. He is supportive of the float but not additional money.

Miss Provo has existed since 1969. Council Member David Knecht felt the City should not let the program die.

Susan Bramble said they run the events and would love the Council to join them at the interviews and the pageant. It will not add workload on the Council staff. Without the extra funding, the program would be dropped because other cities are getting better programs and the lack of funding would leave the Miss Provo pageant at a disadvantage.

Council Member Kim Santiago feels the pageant is a part of Provo's heritage and Miss Provo plays an important part as an ambassador to Provo. It also contributes to the education of these young women. She commented on Melissa Richardson and the good she had done for the community.

Motion: David Sewell made a motion to proceed with the request outlined by Mayor John Curtis that \$11,000 be moved to the Council budget and that a line item be added to next year's Council Budget for \$10,000 and that the pageant will not be a large administrative burden. The total fund for the Miss Provo Pageant in the Council office will be \$21,000 effective July 1, 2017. Also the transferring of current funds from the Mayor's budget to the Council Office budget. Seconded by Council Member George Stewart.

Roll Call Vote: The motion passed 4:3 Council Members Kay Van Buren, Gary Winterton and David Harding opposed.

Upcoming Policy Items referred from the Planning Commission

5. **A discussion on an ordinance amendment to Provo City Code Sections 14.41, 15.03.300, 15.03.310, 15.04.120, and 15.06.030 in order to clarify code and update submittal requirements for planning applications. City Wide Impact. (15-0012OA)**

Aaron Ardmore, Planner, presented. The amendments today have come from the Planning Commission discussions regarding processing administrative items.

1. Home Occupations – updated to reflect the code that this is handled through Administrative Hearings.
2. Updated the parking of Large Vehicles in residential areas – updated to make this more clear for applicants
3. Project plans and subdivisions – It proposed that subdivisions with 10 lots or less be handled on staff level if they meet all standards and codes rather than going to the Planning Commission.
4. Updating that submittals to the City can be done electronically.

The Planning Commission recommends approval of these items. These items do not interfere with Land Use items that will normally go before the Council.

This item will be heard at the May 3, 2016 Council Meeting.

6. A discussion on a request by Ivory Homes for an Ordinance Amendment to Section 14.49E.050(6)(a)(iii) and 14.49E.050(6)(b)(ii) regarding the allowance for both side yards to have a minimum setback of five feet instead of one five foot and one eight foot setback in single-family residential areas. North Lakeview Neighborhood. (16-0002OA)

Brian Maxfield, presented. Broadview Shores rezoning originated in 2009. The ownership changed and the plan was redrawn and Council approved in 2015. The last item required was the design guideline book adopted last year in May. Ivory has developed part of the project. They have noticed that Lot 131 & 132 have a 5' and 8' easement on the side and limited the size of the home. They would like a change to a 5' setback to allow a larger home with permission from the utility companies. Many of the easements are for public utility, but utilities are not put in the side yard. Ivory also asked for this on the 8,000 square foot lots. The Planning Commission feels this allows for more variety.

This is a planned community. It has been discussed with the Planning Commission to make broader changes to our setbacks for more flexibility.

Council Members questioned the closeness of the homes if this passes.

This item will be heard at the May 3, 2016 Council Meeting.

7. A discussion on a request by Adam Hall for a zone change from Residential Conservation (RC) to Low Density Residential (LDR) to facilitate a three-lot subdivision for property located at approximately 1080 West 500 North. North Park Neighborhood. (16-0002R)

Dustin Wright, Planner, presented. These are in reference to two single family properties the applicant owns. The lots are very narrow and deep. They are requesting to divide the back lot into a separate lot. The RC zone does not allow for a new lot to be created. Some

concerns are with this new zone there could be a potential for more lots. The owner has agreed to enter into a Development Agreement to keep the property to 3 lots. The Planning Commission approved this with the Development Agreement.

8. A discussion on a request by Brian Dabb on an ordinance text amendment to Section 14.34.500 to allow six-foot, solid fencing within the front setback in Residential Zones. City Wide Impact. (16-0001OA)

Robert Mills, Planner, presented. The owner would like to deduct the park strip area in front of the home from the front yard setback which would allow for the fence, hedge, etc., to be allowed in the front yard area.

The Community Development staff have concerns about this because of the undesirable consequences. The Planning Commission did not recommend approval on this item. The current owner is currently in violation of the existing ordinance and is asking for this change so that he can come into compliance. Otherwise, he will need to remove his fence.

This item will be heard at the May 3, 2016 Council Meeting.

Administrative Updates

Wayne Parker discussed the Boulder Apartments and an offer from a management group in California to purchase it for \$50 Million. The Private Bond Board voted and authorized \$30 Million tax exempt financing to supplement the \$50 million investment. The group is called the Reliant Group out of San Francisco. They are renovating inside the units and out. Their budget is \$55,000 per unit. They are making an outreach to the community.

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with § 52-4-204 and 52-4-205 et. seq., Utah Code.

Brian Jones, Council Attorney requested a closed meeting for the purpose of holding a strategy session to discuss pending or reasonably imminent litigation.

Motion: Council Member Kay Van Buren moved to close the meeting.
Seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0

Motion: Council Member David Harding moved to adjourn. Seconded by Council Member David Knecht.

Roll Call Vote: The motion passed 4:0. Council Member George Stewart, Kay Van Buren and Gary Winterton excused.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM, Tuesday, June 21, 2016

Room 310, Provo City Conference Room

351 West Center

Roll Call

THE FOLLOWING ELECTED OFFICIALS WERE PRESENT:

Council Member Kim Santiago

Council Member Vernon K. Van Buren

Council Member David Harding

Council Member George Stewart

Council Member David Sewell

Council Member Gary Winterton

Council Member David Knecht

Mayor John R. Curtis

Conducting: Council Chair Kim Santiago

Opening Prayer - The prayer was offered by Council Member David Sewell

Agenda

Council Business: Outcomes and Ends Policies

1. A presentation from Envision Utah entitled "Your Utah, Your Future."

Shane Woods, Associate Planner with Envision Utah, presented the results from a recent study titled "Your Utah, Your Future." The purpose of the study was to help Utahans create a vision for what Utah should look like in the year 2050. The population of Utah County was projected to double by 2050 and would almost be the same size as Salt Lake County. Citizens gave input on several subjects such as housing communities and mixed center developments; water and air quality; and integrated land use and transportation.

During discussion of the study the following comments and concerns were made by council members:

- Provo specific data was not available online but could be sent to the council.
- Some of the questions seemed to be framed to lead to specific answers.
- Neighborhood centers could be parks, schools, or small stores and not necessarily commercial centers in each of the neighborhoods.
- Support for small grocery stores within walking distance was a positive approach for several neighborhoods. They could serve the local community and not necessarily the whole city.

- We needed to advocate keeping a certain amount of agriculture, especially prime fertile land, even though 85 percent of the water was used for agriculture. We needed to find ways to have water to provide financial security for farmers while also meeting the demands of residential growth.

Mr. Woods stated the purpose of the research was to provide data to help councils make decisions about future land use in their cities.

Council Business: Governance Process and Rules

2. A discussion on an ordinance amending Provo City Code Chapter 2.01 (Form of Government) to define when a City Officer is unavailable under the Utah Emergency Interim Succession Act. (16-069)

Brian Jones, Council Attorney, presented. Utah Code 53-2a-8 provides for succession of authority during a disaster (the Emergency Interim Succession Act) and defines “unavailable” as being unable to communicate with the city officer for 48 hours. Utah code allows this definition to be modified by local law. The proposed ordinance would change the unavailable period from 48 hours to two hours and would also define the rules of succession when a city officer was unavailable during an emergency.

During discussion the council and mayor determined that two hours might be too few but that 48 hours was too long to determine if the succession was to be implemented. The current successors in the event Mayor Curtis was unavailable would be Wayne Parker (CAO), Robert West (city attorney), and Dixon Holmes (Deputy Mayor). Other concerns included who would be responsible for declaring an emergency and if that authority could be vested to two employees at the same time. Some of the decisions and guidelines for declaring emergencies could be defined by ordinance. Also, since the city attorney was to make the determination on “availability” he might not want to be on the succession list.

In response to continued concerns from the council and mayor, Mr. Jones suggested he would prepare an amendment for the mayor’s and rules committee’s review and then bring it back to the council for further discussion. Council members would be kept in the loop to make sure there was closure to some of their concerns.

3. A discussion on the creation of a Council Audit Committee. (16-077)

Clifford Strachan, Council Executive Director, presented. Part of the council’s fiscal responsibility was to review the city’s financial reporting process, financial statements, and internal controls as audited by the city’s independent auditor. In order to fully understand the audit the council recommended the Budget Committee review the annual audit and discuss their findings with the council. The Budget Committee would be renamed as the Budget and Audit Committee. The city auditors would still report to the council as a whole on their findings.

Motion: Council Member David Knecht moved to approve a motion recommending that the Council’s current advisory committee, the

Budget Committee, be assigned the additional responsibility of serving as an audit advisory committee, with responsibility to objectively review the City's financial reporting processes, financial statements, and internal controls, as audited by the City's independent auditors, and to discuss these with management and with the independent auditors, and that the advisory committee be renamed the Budget and Audit Committee. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Mayor's Items and Reports

4. A discussion and review of the Cost of Service Study for the Energy Department. (16-075)

Travis Ball, Energy Department Director, introduced Dave Berg, with Dave Berg Consulting LLC. He had been hired by several UMPA member cities to study the retail electric rates to determine the actual cost of providing service to each rate class. Mr. Berg made a presentation to UMPA members and was invited to share the cost of service study with the council. A copy of the study will be attached to the permanent minutes. Some of the issues discussed included:

- Existing rate class revenues did not match the allocated cost to serve each class. Commercial usually subsidized residential and high volume users.
- With the proposed rate increases, Provo City Power would break even after the year 2020 instead of being \$1.4 million in the red.
- The Energy Fund Balance would be 27 percent after 2020. Mr. Berg noted that solar power was not included when determining fund balance.
- Based on the actual cost of service, the city might consider implementing a higher increase for residential customers and a lower increase for commercial customers.
- The proposed customer charge, effective July 1, 2016, would be \$6.57/month for residential customers. A monthly charge of up to \$13.58 could be justified based on the analysis.
- BYU would be self-generating much of its electric energy requirements by January, 2018. This would decrease BYU's purchases by 70 percent and decrease retail sales by 12 percent.
- If BYU needed full energy requirements during outages or maintenance of their generators, Provo could charge a backup reservation charge of \$21,515 per month to provide 15 MW of backup system capacity. This did not include any provision for lost transfer to the city's general fund.

Mr. Berg discussed net metering (solar) issues with the council. Solar power had three main drivers – demand, energy (fuel), and customer connectivity. Demand and customer charges were fixed costs. Customers had to be connected to the system whether they had solar or not. The city had to plan for the highest demand, which could vary during the day. While the peak times

for generating power through solar was between 8 a.m. and 1 p.m. the vast majority of the peaking power was needed later in the evening. Solar customers might be self-generating but there were still fixed costs associated with the infrastructure that needed to be addressed. Under the current net metering rate, a customer received full retail price credit for energy not used. That credit can apply to their usage during times when the solar is not producing energy.

Several options concerning Net Metering were discussed.

- Maintain Current Net Metering Policy – did not address cost based concerns about potential subsidies from regular customers. Based on full retail credit.
- Higher Monthly Customer Charge – Credits for power generated would not apply to fixed monthly customer charge. A higher monthly charge to help recover fixed charges.
- Retail Demand Charge Rate Structure – Adjust rates to reflect disparities in load factor.
- Separate Charge Based on Solar Generating Capacity – Charge a distribution access fee based on total generation through solar.
- Minimum Bill Provision – Implement a minimum contribution to system fixed costs.
- Feed-in-Tariff – Output exported to the system is not paid the full retail rate. The customer receives a credit for excess generation based on feed-in-tariff rate.

Mr. Ball said the cost of service study would be presented to the Energy Board in September or October. He would bring the item back to the council next fall with specific options for the council to consider.

5. A discussion on the fifth amended Interlocal Cooperative Agreement for the Ice Sheet Authority. (16-080)

Bud Powell, Legal Department, presented. In 1996 Provo City and Utah County entered into an interlocal agreement which created the Provo City/Utah County Ice Sheet Authority. The ice sheet was built to serve as a venue for the 2002 Winter Olympics. After the Olympics the ice sheet was managed by a private entity until November 2008 when the Ice Sheet Authority resumed operations of the facility. Since that time, Provo City Parks and Recreation has been managing the ice sheet. The proposed amendment would:

- Formalize the current operating practices (Provo Parks and Recreation managing with Utah County reimbursing the city for 50 percent of costs);
- Add a section detailing the process of terminating the agreement by either party; and
- Add a section specifying how unelected board members were appointed and the term of their service.

The Utah County Commission approved and signed the proposed amendment on June 14, 2016. The amendment has also been reviewed by Provo City Administration.

Motion: Council Member George Stewart made a motion to move this item to the next council meeting. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Council Executive Director's Items and Reports

6. A discussion on updating the explanatory text for the 2016 Council Priorities. (16-015)

David Harding, Provo City Council Member, presented. At the beginning of the year (2016) the council made a list of nine priorities they would like to work on during the upcoming year. A priority sheet was created for each one with an explanation of the goal and desired outcomes listed. After all priority sheets had been completed they would be posted to the council's website and made available to the public. By keeping each priority to a one sheet minimum they could quickly convey the council's intent to the public without going into too much detail.

The document was completed in March; however, there were a couple of sheets that needed revisions. The updated document (with redlining to show where changes were made) had been distributed to the council and was presented during the meeting for discussion.

Chair Santiago recommended council members and the budget committee be given the opportunity to review the proposed changes to the document and bring it back to the next work session for more discussion or final approval.

Council Business: Outcomes and Ends Policies

Council members took a brief recess from 4:04 p.m. to 4:13 p.m.

8. Provo City Community Development Department requests an amendment to Section 14.34.300 of the Provo City Code to clarify restrictions on farm animals adjacent to Residential Zones. City-Wide Impact. (16-0006OA)

Chair Santiago said they would discuss Item No. 8 next.

Bill Peperone, Community Development Assistant Director, presented. The proposed ordinance was intended to create restrictions on animals in the A1 (Agricultural) zone that would match the restrictions in the RA (Residential Agricultural) zones. Additional limitations would be added which affected the location of barns, pens, corrals, coops and the pasturing of animals. They would be coming back with additional amendments that would address feed lots and fencing requirements.

In response to questions from council members, Mr. Peperone stated that some of the language needed to be tightened up and other concerns (such as grandfathering, non-conforming rights, limits of the 150 foot buffer zone, etc.) needed to be clarified better. He stated he would work on amending the ordinance to address concerns and would bring it back to the council at a later date.

7. A follow-up discussion on the Fiscal Year 2016-2017 Budget. (16-054)

Dustin Grabau, Provo City Budget Officer, presented. The council held a budget meeting on Thursday, June 16, to discuss the proposed FY 2017 budget in detail. During that meeting recommendations were made for amending the budget. Mr. Grabau gave a presentation showing some of the changes made to the budget which included a reduction in revenues of \$56,018 and a corresponding reduction in expenditures.

Discussion was held concerning the proposed property tax increase. Mr. Grabau explained the property tax revenue went to four entities – Utah County received 10 percent; Provo City received 20 percent; Central Utah Water received 3 percent; and the balance of 67 percent went to the Provo School District. Provo City was proposing a 1.75 percent property tax increase on Provo's portion of the property tax (which would amount to a .14 percent increase on the total property tax). The median home owner would pay \$1.80 per year on a home valued at \$205,000. Mr. Grabau stated the revenue from a property tax increase would be \$77,190.

Several council members felt the property tax should be increased to keep up with inflation. It had not been raised for the past 23 years. Other council members said that, while the city had not increased the property tax, the revenue from property taxes had increased over the past several years. Lost revenues from the anticipated property tax increase could be offset by reductions in the subsidies to the golf course, Covey Center, and Downtown Provo, Inc. Also, the Provo School District would be increasing their portion of the property tax by \$100 per year based on a median home.

Mr. Grabau stated it would be helpful if the council made a decision about the proposed property tax increase during the work session so the proper exhibits could be presented during council meeting that night.

Council members also discussed the golf course fund balance of \$134,252. Per City policy, that fund balance should be transferred to the General Fund so they would need council authority to spend those funds. Keeping the fund balance in the golf course budget would still need council approval to spend but would allow better tracking of actual savings. It was noted that even though the golf course had a fund balance they were also being subsidized by the city. Moving the fund balance back to the general fund would not require council action.

Mr. Jones said an alternate ordinance, approving the FY 2017 budget without a truth-in-taxation hearing, was prepared by legal counsel. It was not included in the public materials because the council had made a motion, during their meeting on June 16, to go forward with a truth-in-taxation hearing. Mr. Grabau could prepare an exhibit showing the proposed budget without a property tax increase and present it during council meeting later that night.

Motion: Council Member George Stewart made a motion to replace the ordinance in the public materials with the ordinance that adopts the final budget with no property tax increase for the council's consideration in the meeting that night. The motion was seconded by Council Member Vernon K. Van Buren.

Draft – Awaiting Approval

Mr. Sewell presented an idea that would be revenue neutral but would meet the council's intent of annual truth-in-taxation hearings to reflect inflation. He suggested increasing the property tax by 1.75 percent. They would then take the revenues of \$77,109, transfer those funds to the utilities, and reduce the utility rates to equal a reduction in revenues equal to the \$77,109.

Mr. Strachan noted there was a motion on the table. If the motion was approved then discussion on Mr. Sewell's proposal would be moot.

Chair Santiago called for a vote on the motion to consider the ordinance without a property tax hearing at the regular council meeting that night.

Roll Call Vote: The motion passed 4:3 with Council Members Knecht, Santiago, Stewart, and Van Buren in favor and Council Members Harding, Sewell, and Winterton opposed.

Mr. Jones said there was a potential sale of property that needed to be discussed in closed session.

Motion: Council Member Vernon K. Van Buren made a motion to move into closed session to discuss the potential sale of property. The motion was seconded by Council Member David Knecht.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Closed Meeting



Provo City Planning Commission

Report of Action

May 25, 2016

ITEM 4* Provo City Community Development Department requests amendments to the following code sections 15.17.030, 15.17.040, 2.29.040 and 14.02.020. The proposed amendments relate to reducing the notice for public hearing before the Planning Commission for General Plan adoption and for General Plan amendments from 14 to 10 days, as per Utah State Code, and to allow amendments to the General Plan more often than twice per year. **City-Wide Impact.** 16-0007OA, Aaron Ardmore, 801-852-6404

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 25, 2016:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: Fred Bandley

Votes in Favor of Motion: Brian Smith, Fred Bandley, Jamin Rowan, Maria Winden, Ed Jones

Jamin Rowan was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

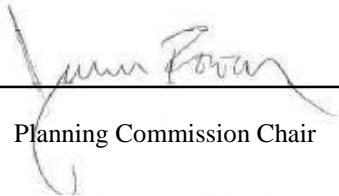
- Beth Alligood, Lakeview North Neighborhood Chair, inquired about circumstances when a neighborhood chair isn't able to hold a meeting prior to a public hearing. *Staff responded that since the neighborhood program is under the City Council, they would need to determine what would happen in that case.*

- Beth Alligood asked if reducing the General Plan amendment hearings from every 6 months to every 3 or 4 months might be better? *Staff responded that all possibilities were reviewed and having it be open was determined to be the best practice.*
- Ben Markham, Riverbottoms Neighborhood Chair, stated that Council sponsored General Plan amendments can be heard at any time under current code.

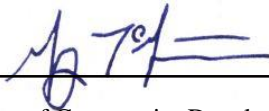
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Brian Smith noted that he understands the current timing restriction, but believes the proposed amendments make sense in practice.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



Planning Commission Staff Report Ordinance Amendment Hearing Date: May 25, 2016

ITEM 4* Provo City Community Development Department requests amendments to the following code sections 15.17.030, 15.17.040, 2.29.040 and 14.02.020. The proposed amendments relate to reducing the notice for public hearing before the Planning Commission for General Plan adoption and for General Plan amendments from 14 to 10 days, as per Utah State Code, and to allow amendments to the General Plan more often than twice per year. **City-Wide Impact.** 16-0007OA, Aaron Ardmore, 801-852-6404

Applicant: Provo City Community Development
Staff Coordinator: Aaron Ardmore

***Council Action Required:** Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June 8, 2016, at 5:30 p.m.*
2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: The Community Development staff has met with members of the City Council regarding the restriction of General Plan amendments to twice yearly. Some feel that this limitation is unnecessarily restrictive. These amendments also include clarification to the neighborhood meeting requirements as they relate to General Plan or Zone amendment applications. Also, publication requirements for Planning Commission agendas have been reduced to be consistent with State Code. This includes a reduction in noticing period from 14 days to 10 days.

Summary of Key Issues:

- Timing of a General Plan amendments being made less restrictive, allowing them to be heard more than twice a year.
- Ensure neighborhood meetings are called for General Plan and Zone amendment applications.
- Reduction in Planning Commission noticing from 14 days to 10 days.

Staff Recommendation: That the Planning Commission recommends approval of the proposed Code amendments to the Municipal Council.

OVERVIEW

General Plan amendment applications are currently limited to being heard only twice a year. This restriction does not allow for a timely response from the City Council to the applicant. Removing this restriction, while adding a requirement for a neighborhood meeting, allows the applicant to receive a quicker answer and move forward with other plans.

Additionally, current code does not force a neighborhood chair to hold a neighborhood meeting for any applications. The proposed amendment to the neighborhood meeting section ensures that a meeting will be called for by the chair for all General Plan and Zone amendment applications. This change will give the neighboring residents and businesses opportunity to provide feedback on the proposed changes.

Lastly, the current noticing requirement for public hearings is fourteen days. As processing notices have sped up over the years, staff has proposed decreasing that time to ten days. In other words, the noticing period may be reduced to ten days and the time the notice will appear in the newspaper will remain the same. A ten-day notice is consistent with State Code.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (Responses in bold)

- (a) *Public purpose for the amendment in question. **The proposed amendments will save public time and ensure neighbors are aware of changes in their area.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **Staff believes that the public is best served by this***

amendment in that it will speed up the response for General Plan applications and help inform neighbors.

- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The amendments are in line with General Plan goals and objectives to provide prompt decisions (Ch.2, Administration).***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **There are no timing and sequencing issues related to this request.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **The amendment will not hinder or obstruct any of the General Plan's policies.***
- (f) *Adverse impacts on adjacent land owners. **(Does not apply)***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **(Does not apply)***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

CONCLUSIONS

Staff believes these proposed amendments are a step forward in speeding up the review process, while also ensuring better neighborhood involvement.

STAFF RECOMMENDATION

That the Planning Commission recommend approval of the proposed Code amendments to the Municipal Council.

ATTACHMENTS

1. Proposed Amendments

ATTACHMENT 1 – PROPOSED AMENDMENTS

1 **15.17.030. Plan Adoption.**

2 (1) The plan adoption process includes:

3 (a) After completing a proposed general plan for all or part of the area within Provo, the Planning
4 Commission shall schedule and hold a public hearing on the proposed plan.

5 (b) The Planning Commission shall provide reasonable notice of the public hearing at ~~least fourteen (14)~~
6 ~~ten (10)~~ days before the date of the hearing.

7 (c) After the public hearing, the Planning Commission may make changes to the proposed general plan.

8 (2) The Planning Commission shall then forward the proposed general plan to the Municipal Council.

9 (3) The Municipal Council shall:

10 (a) hold a public hearing on the proposed general plan recommended to it by the Planning Commission;
11 and

12 (b) provide reasonable notice of the public hearing at least ~~fourteen (14)~~ ~~ten (10)~~ days before the date of
13 the hearing.

14 **15.17.040. Amendment of Plan.**

15 (1) The Municipal Council may amend the General Plan by following the procedures required by
16 Section 15.17.030, Provo City Code.

17 (2) The Planning Commission may determine on small area General Plan amendments what elements in
18 Section 15.17.020, Provo City Code, should be included in the plan amendment.

19 (3) ~~Proposed amendments shall be heard on a biannual basis with a~~ The plan shall be comprehensively update
20 ~~reviewed~~ at least every five (5) years.

21 (4) ~~After payment of the application fee shown on the Consolidated Fee Schedule adopted by the Municipal~~
22 ~~Council, General Plan amendment proposals shall be discussed at a Neighborhood Meeting, pursuant to~~
23 ~~Section 2.29.040, Provo City Code, and then considered by the Planning Commission and Municipal Council~~
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31 ~~{b) Exceptions to the bi-annual General Plan amendment process may be granted by the Community~~
32 ~~Development Director when:~~

33 ~~{i) the amendment is initiated by Provo City, meaning the Mayor, a Municipal Council member, or~~
34 ~~City staff, and not a private entity;~~

35 ~~{ii) the amendment is of compelling public interest of a City-wide or neighborhood-wide~~
36 ~~significance, and~~

37 ~~{iii) the amendment was unforeseen.~~

38 ~~(4)~~ (5) Applicants proposing general plan amendments shall do the survey and analysis work necessary to
39 justify the proposed amendment. To ensure the Planning Commission and Municipal Council have sufficient
40 information to evaluate each proposal, an applicant shall submit the following:

41 **2.29.040. Neighborhood Meetings.**

42 (1) Local Issue Meetings. A Neighborhood Chair may call a Neighborhood meeting at any time to discuss
43 issues of concern to residents of the Neighborhood.

44 (2) Development Proposal Meetings.

45 (a) Within five (5) calendar days after receiving a complete land use application for any matter subject to
46 a public hearing, the Community Development Department shall mail notice of the application to the
47 Neighborhood Chair of the Neighborhood where the subject property is located. If the subject property is
48 located within one thousand (1,000) feet from an adjoining Neighborhood, the Community Development
49 Department shall also notify the Chair of that Neighborhood.

50 (b) Within seven (7) calendar days after application submittal, the applicant shall contact the
51 Neighborhood Chair of any Neighborhood entitled to the notice described in subsection (a) above to

52 discuss the application. Where the application is filed by a party other than Provo City and/or has other
53 than City-wide impact, the Neighborhood Chair must call for a neighborhood meeting to consider the
54 applications for a General Plan amendment or zone change. For other application types, the The
55 Neighborhood Chair shall determine whether a Neighborhood meeting should be held.

56 (i) The neighborhood meeting shall be scheduled for a date within 45 days of the notice described
57 in subsection (a).

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59 calendar days after the Community Development Department mails notice of the application to a
60 Neighborhood Chair, the Chair shall notify the Municipal Council Executive Director in writing that the
61 Neighborhood:

62 (i) Will organize a meeting to review and comment on the application within 45 days; or

63 (ii) Waives the right to hold a Neighborhood meeting.

64 (iii) If, within the fourteen (14) day period set forth above, the Executive Director does not receive
65 notice from the Neighborhood Chair, the Neighborhood meeting requirement shall be waived.

66 **14.02.020. Amendments - Procedure.**

67 (1) This Planning and Zoning Title, including the Map, may be amended by the Provo Municipal Council after
68 said amendments shall have first been submitted for recommendation to the Planning Commission. For the
69 purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared
70 to be the public policy that amendments shall not be made to the Planning and Zoning Title and Map except to
71 promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct
72 manifest errors. Any person seeking an amendment to the Planning and Zoning Title or Map shall submit to
73 the Planning Commission a written petition containing the following information:

74 (a) Submit to the Planning Commission a written petition containing the following information:

75 ~~(a)~~ (i) Designation of the specific zone change or Title amendment desired.

76 ~~(b)~~ (ii) The reason and justification for such zone change or Title amendment, and a statement setting
77 forth the manner in which a proposed amendment or zone would further promote the objectives and
78 purposes of this Title and the Provo City General Plan.

- 79 ~~(e)~~ (iii) A complete and accurate legal description of the area proposed to be rezoned, or a draft of the
80 proposed Title amendment.
- 81 ~~(d)~~ (iv) The filing fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council.
- 82 ~~(e)~~ (v) If a map amendment is proposed, the following shall also be submitted:
- 83 ~~(ii)~~ (1) An accurate plan, drawn to scale, showing all areas to be included within the proposed
84 rezoning, designating the present zoning of the property subject of the petition, and properties
85 immediately adjacent thereto.
- 86 ~~(ii)~~ (2) A preliminary project plan meets the requirements of Section 15.03.300, Provo City Code.
- 87 ~~(iii)~~ (3) The signature of the property owner or authorized agent or, in the case of a
88 multiple property rezoning request, the signature of a majority of the persons who
89 own property within the area proposed for the zoning map amendment.
- 90 (b) Contact the Neighborhood Chair(s) for the neighborhood(s) affected by the application as provided
91 in Provo City Code 2.29.040(2)(b).



WELCOME HOME

PLANNING COMMISSION

MAY 11, 2016

ITEM 4*

Provo City Community Development Department requests amendments to the following code sections 15.17.030, 15.17.040, 2.29.040 and 14.02.020. The proposed amendments relate to reducing the notice for public hearing before the Planning Commission for General Plan adoption and for General Plan amendments from 14 to 10 days, as per Utah State Code, and to allow amendments to the General Plan more often than twice per year.

City-Wide Impact

16-0007OA

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Customer Ad Proof

60005417 Provo City Corporation

Order Nbr 72889

Publication	Daily Herald		
Contact	Provo City Corporation	PO Number	
Address 1	P.O. BOX 1849	Rate	Provo City
Address 2		Order Price	48.46
City St Zip	PROVO UT 84603	Amount Paid	0.00
Phone	8018526505	Amount Due	48.46
Fax			
Section	Legals	Start/End Dates	06/13/2016 - 06/13/2016
SubSection		Insertions	1
Category	999 Legal Notices	Size	39
Ad Key	72889-1	Salesperson(s)	CLASSIFIED DEFAULT
Keywords	72889-NOTICE OF PUBLIC HEARING	Taken By	Whitney Mason
Notes			

Ad Proof	<p>NOTICE OF PUBLIC HEARING BEFORE THE MUNICIPAL COUNCIL</p> <p>Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on these items on Tuesday, July 5, 2016 beginning at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 351 West Center Street. Anyone interested is invited to attend.</p> <p>The Community Development Department requests a Zone Change from Heavy Commercial (CM) Zone and Residential Conservation (RC) Zone to Low Density Residential (LDR) Zone for 4.13 acres of land located at approximately 1000 East 1060 South. Spring Creek Neighborhood. 16-0009R, Bill Peperone, 801-852-6402</p> <p>Provo City Community Development Department requests an amendment to Section 14.34.300 of the Provo City Code to clarify restrictions on farm animals adjacent to Residential Zones. City-Wide Impact. 16-0006OA, Bill Peperone, 801-852-6402. This item was continued from the May 11, 2016 Planning Commission Hearing.</p> <p>Provo City Community Development Department requests amendments to the following code sections 15.17.030, 15.17.040, 2.29.040 and 14.02.020. The proposed amendments relate to reducing the notice for public hearing before the Planning Commission for General Plan adoption and for General Plan amendments from 14 to 10 days, as per Utah State Code, and to allow amendments to the General Plan more often than twice per year. City-Wide Impact. 16-0007OA, Aaron Ardmore, 801-852-6404</p> <p>Legal Notice 72889 Published in The Daily Herald June 13, 2016</p>
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Customer Ad Proof

60005417 Provo City Corporation

Order Nbr 72889

Publication

Herald Extra Online

Contact Provo City Corporation

Address 1 P.O. BOX 1849

Address 2

City St Zip PROVO UT 84603

Phone 8018526505

Fax

Section Legals

SubSection

Category 999 Legal Notices

Ad Key 72889-1

Keywords 72663-NOTICE OF PUBLIC HEARING

Notes

Ad Proof

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Legal Notice 72889 Published in The Daily Herald June 13, 2016

PO Number

Rate Provo City

Order Price 48.46

Amount Paid 0.00

Amount Due 48.46

Start/End Dates 06/13/2016 - 06/13/2016

Insertions 1

Size 39

Salesperson(s) CLASSIFIED DEFAULT

Taken By Whitney Mason

The City of
Provo, Utah

September 30, 2008

The logo for the City of Provo, Utah, featuring the word "Provo" in a bold, black, sans-serif font. The letters are slightly shadowed, giving it a three-dimensional appearance. The logo is positioned on the left side of the page, above the city's contact information.

Aaron C. Hilkemann, President
Duncan Aviation, Inc.
PO Box 81887
Lincoln, NE 68501

Dear Mr. Hilkemann,

Lewis K. Billings
Mayor

We are very appreciative of your patience as we have attempted to resolve the final issues relating to the future Duncan Aviation regional facility in Provo. We realize that you are on a very tight schedule regarding the announcement of your western service facility and hope that with this letter the final issues relating to your expansion at the Provo Airport will be addressed. We thank you for your willingness to host our stakeholder groups the past few days. This has enabled them to experience the same positive feelings, toward having a Duncan-run facility in Provo, that members of the Provo City Administrative team have felt during the entire selection process.

In recent weeks, Provo City has worked closely with Utah County, the Provo City School District and various others to identify funding for the construction of the public portion of the ramp needed to service the future Duncan Aviation facility. I am pleased to report that we have received positive responses from those entities. Provo City is now prepared to commit to Duncan Aviation that we will construct the public ramp space at the Provo City Airport. This is based on projections that representatives of Duncan Aviation have made to us, including: 1) that the phase I facilities and equipment to be built by Duncan would have a value of at least \$20 million; 2) that phase II of the development would be constructed within 5 years following phase I; 3) that phase II would be valued at least \$15 million in facilities and equipment.

Provo will use a variety of funding sources including the establishment of a Community Development Area (CDA), as allowed by Utah State law, to enable tax increment financing. Once Duncan commits to locating at the Provo City Airport, the Municipal Council of Provo City has agreed to start the process for establishment of a CDA. As part of lease negotiations, we will want to explore together appropriate measures to help ensure that the available tax increment will meet expectations.

351 West Center Street
P.O. Box 1849
Provo, Utah 84603
(801) 852-6100
FAX: (801) 852-6107
www.provo.org

We appreciate Duncan Aviation's efforts to work with our existing fixed base operator on a joint fueling agreement. As part of the discussions with representatives of Duncan Aviation it has been represented to Provo City that Duncan has agreed with Million Air on a long term plan for refueling your client's aircraft. However, it is our understanding that given the significant changes to the airport, inherent with Duncan locating at the Provo City Airport, Provo City will be asked, and will agree, to carefully review and modify as appropriate our existing airport regulations to allow for the construction of a Duncan fuel farm on Duncan's leased land, if deemed necessary by Duncan at some point in the future.

Finally, we have reviewed the Duncan request for Provo City to assume the construction cost of the automobile parking lot that will be used by the public and Duncan employees. Provo City has committed to well over \$3 million, exclusive of the ramp, of out-of pocket infrastructure costs to assist with the preparation of the Provo Duncan site. We suggest following the same model used at the Battle Creek airport in which the City would do all the prep work on the parking lot, with Duncan Aviation picking up the cost for the hard surfacing of the lot.

We have appreciated your thoughtful evaluation of our community and the forthright, good-faith approach to outstanding issues. We have tried hard to reciprocate in order to make the Duncan operation in Provo a reality. We believe that we now more fully understand your company and employee needs and we look forward to having you as a substantial part of Provo City and our Airport operations.

Sincerely,

PROVO CITY MAYOR'S OFFICE



Lewis K. Billings
Mayor

- c Mr. Todd Duncan, Chairman of the Board
 Mr. Jeff Lake, Jeff Lake CFO
 Bill Prochazka Executive VP and General Manager, BTL

The City of
Provo, Utah

Provo

Lewis K. Billings
Mayor

Department of
Economic Development
& Redevelopment Agency

86 N. University Ave.
Suite 240
P.O. Box 1849
Provo, UT 84603

801.852.6160
Fax: 801.375.1469

Located in:
Wells Fargo Financial Center
www.provo.org

December 20, 2007

Jeff Lake
Duncan Aviation, Inc.
PO Box 81887
Lincoln, NE 68501

*** SENT VIA EMAIL ***

Thank you for the opportunity to respond to your request for clarification on the incentive package offered by Provo City to Duncan Aviation. Inasmuch as the proposal included incentives from both the city and state, it should be pointed out the Provo City portion of the incentive package is all based on savings, rather than direct cash from Provo to Duncan. Whereas the state incentives do have the ability to produce some cash, much of what they have to offer is also in the form of saving and rebates. The Provo City proposal is divided into two sections - the first reflects one-time benefits related to site improvements and the other an on- going or continuous benefit over the life of the lease.

One-time Incentives Related to Site Development

All private development in Provo City is funded by the end user of the property. As such, under normal conditions, meaning no incentives offered, Duncan would be required to pay for the construction and installation of all utility improvements and access to the proposed site. These off site costs would be needed because the proposed site is isolated from other airport developments and yet it still has excellent access to the flight lines and runways.

This site offers Duncan Aviation an airport location that will for all intended purposes be exclusive with little or no interruption by other airport users. This unique location with its distinct advantages directly contributes to the added cost associated with bringing utility and infrastructure to the proposed site. Provo City is prepared to cover all the costs of these off-site improvements, which include - a new sewer lift station; a looped, redundant power/telecom system; water/sewer/storm water mains, and a 65' right-of-way access from Center Street to the proposed site (approximately ½ mile). The access road will be a public right of way including curb, gutter, paving, wet and dry utilities and distinctive landscaping. Provo City has purchased this forty (40) acre site for the limited, exclusive use of Duncan Aviation. Based on current costs of similar work (road, utilities and infrastructure) and real out-of-pocket expenses (land costs), **this incentive package from Provo City has a total value of \$2.5 to \$3 million in direct cost incentives.** Another private sector provider who would build at this location without this incentive package would have to pay for these facilities. Additionally, lease payments will not start until building occupancy. Assuming Duncan would occupy the property for 18 months during the construction period, the value of this incentive could total \$82,500. With this incentive, there will be no out of pocket cost to Duncan Aviation for the land or the aforementioned improvements.

Ongoing or Continuous Incentives Based on Lease Rates

The benefits accruing to Duncan are as follows:

- The benefit of a longer lease term than any other standard lease at the Provo City Airport. The incentive on the lease basically adds an additional 20+ years to the longest lease now available at the Airport. This incentive provides a potential lease term of 60+ years compared to the standard maximum 40 - year lease for other airport tenants.
- The lease time will be reset each time a new lease is agreed upon by Duncan and the City. This could, in fact, increase the lease by dozens of years, depending on future expansion plans and the timing of those expansions.
- The lease rate of \$.22 cents per square foot of the building foot print would **be charged, but the annual rate increase as determined by the Consumer Price Index (CPI) would be cut in half.** This would continue for the life of the lease.
- Duncan would not be charged for any public areas around their facility including such items as parking and any other non-exclusive use space.
- The Provo City Airport will maintain all ramp and public space.
- Provo City will hold at its cost an additional 10 acres of land for future Duncan expansion. The expansion plan will have to be presented by Duncan Aviation and approved by the City.
- Duncan will be granted enough free-of- charge ramp tie down space based on the size of the building to effectively give exclusive use of the ramp space around the building at no additional cost to Duncan.
- This proposal will allow Duncan Aviation to be located within the boundaries of the Provo City Airport and thus take advantage of the benefits that accrue to a within the fence operation.

In attempting to calculate the value of these incentives related to the lease, we have had to make certain assumptions. The following represents a scenario based on these assumptions that would estimate the benefit to Duncan.

Example for illustration purposes

As per the proposal, the standard lease offered at the Provo Municipal Airport is for thirty (30) years, plus two additional five (5) year extensions.

The Provo incentive package uses the standard lease, plus an additional ten (10) years for each 200 employees. Our assumption, for the purpose of this example, for calculating benefit and value is that the life of the lease is at a minimum of fifty (50) years.

The standard lease is \$.22 per square foot of building and areas that are used exclusively for airport uses by Duncan Aviation. As per the proposal, Provo City is offering Duncan Aviation the limited, exclusive use for aviation-related purposes the full 30 acre site, as master planned by Duncan and approved by the City. In addition,

Provo City will hold at its cost an additional 10 acres for Duncan Aviation for future Duncan expansion purposes. The key incentive to Duncan Aviation will be that Duncan will only be charged or assessed the \$.22 per square foot on the footprint of the building and areas that Duncan wishes to have used exclusively for its purposes.

Additionally, a key modification of the standard lease rate (an incentive) is the reduction of the inflation escalator in the standard lease (based on the Consumer Price Index), by half.

Assuming an initial 250,000 square foot building footprint, at \$.22 a square foot for the 50 year term of the lease at an average annual reduced CPI of 1.5% (which is one half of the annual estimated CPI of 3%), the cost savings over the term of the lease would be approximately \$2.1 million (the difference between the 1.5% and 3%). As additional buildings are constructed, there would be additional cost savings for Duncan Aviation.

At build out of the Duncan facility in the future (12 Acres = 522,000 square feet building foot print) the value of the lease using the same assumptions could be as much as \$4.491 million (the difference between 1.5% and 3%).

There is no additional land cost for the exclusive use of ramp space or public parking areas. Assuming an area of 7 acres of ramp space and parking/loading area of 9 acres, the value of this incentive could total \$153,000 annually over the life of the lease.

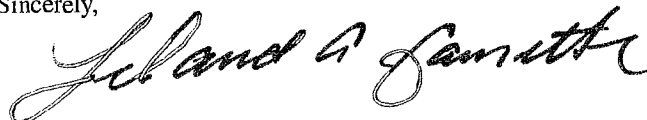
Provo City will maintain the ramps and public spaces. Assuming an area of 7 acres of ramp space and parking/loading areas of 9 acres, the value of this incentive could total \$174,240 annually over the life of the lease.

Other key elements of the incentive package that have not been given a dollar value because of the difficulty in calculating the value are listed below. Each of these incentives add real value to the Provo City incentive package and are worthy of consideration.

- Provo City will hold 10 acres of property for future development at no cost to Duncan Aviation.
- The value of the additional 10 year lease extensions.
- The value of restarting all lease time periods after additional lease expansion and new building areas are constructed.

As Duncan Aviation continues to make plans for a Provo site we would be happy to help you evaluate the actual incentives based on more detailed information and assumptions.

Sincerely,



Provo City Economic Development
Leland A. Gamette

Date: June 28, 2016
To: Wayne Parker
From: Dixon Holmes
Re: Background and Funding options for Duncan Aviation North Alpha Ramp at PVU

Background:

From the start of this project, Provo City was in serious competition between Ogden and Albuquerque, New Mexico to win the opportunity to have Duncan do their project in Provo. In December of 2007, Leland Gamette, Economic Development Director, acting under the direction of the Mayor Lewis Billings issued an incentive letter to Duncan Aviation. At that time the offer was very general, but specifically mentions covering the cost of all offsite improvements, which include – a new sewer lift station; a looped, redundant power/telcom system; water/sewer/storm water mains, and a 65' right-of-way access from Center Street to the proposed site (approximately ½ mile). It was estimated at that time the cost of this incentive package to be between \$2.5 and \$3 Million in direct costs to the city. At that time, there was no readily identifiable funding source other than existing enterprise funds. It should also be noted that Provo City and Duncan had not performed any of the detail cost analysis that has now taken place.

At the time the incentive letter was issued, it was not known that the ramp cost had not been identified because both the City and Duncan thought the other party was covering the cost. Another letter was issued in September of 2008 by Mayor Billings, in which he committed the City to covering the cost of the ramp through a yet to be created CDA and Tax Increment Financing – the EDA Grant was not in place at that time. It was also determined in that letter that the parking lots would be prepped by the City and paved by Duncan Aviation.

The scope and cost to both Duncan Aviation and Provo City has dramatically grown. At the time the letter was written, Phase I of the Duncan project was \$20 Million with about 150 to 200 jobs. Phase II was about ten years later at \$15 Million with another 200 jobs. At present Phase I is at \$55 Million with 450 jobs and Phase II at 5 to 7 years at another \$15 to \$20 Million with 150 to 200 additional jobs.

The following projections will fund the Provo City commitment to Duncan Aviation consistent with the 2007/08 letters. The basic approach is to reprioritize existing projects or extend over two budget years to find funding sufficient to cover the utility and infrastructure costs associated with Duncan Aviation. There has been some question as to an 8" looped water line that could be beyond the scope of the original letter. However, that is possibly offset with Duncan offering to cover the telcom conduit and parking lot lighting. The looped, redundant power line coming from the southeast will not be constructed for another five to ten years, or until the Westside Connector is complete with commensurate development. While this is not the preference for Duncan, it is manageable.

Where funding was insufficient from the various enterprise funds, it is proposed to seek funding in the General Fund as an option or CDBG. The total cost of this package is \$4,013,707.47, of which \$1,200,000 is already allocated for the sewer lift station. This leaves a balance of \$2,813,707.47, of which all but \$332,000 can be covered by the Public Works and Power existing budgets. The reprioritization and shifting/delaying of projects is not minor. Many of these projects have been anticipated and planned for some time. The balance of \$332,000 could possibly be requested of the General Fund Balance or be covered through CDBG or a 108 Loan – a loan against future CDBG allocations. As a comparison, a \$3.5 Million 108 Loan was secured to build the first mile of road and utilities at the Mountain Vista Business Center. The loan was paid back in seven years, early, compared to the 10 years required.

Possible funding options

Public Works – Water Resources Division – amount needed \$1 Million

\$250K from FY17 Reservoir

\$500K from FY17 48 Inch Transmission Line

\$250K from Fund Balance

Public Works – Engineering Division – amount needed \$816K

\$250K from FY17 Street Overlay

\$250K from FY18 Street Overlay

\$150K from FY17 Sidewalk Replacement

\$170K from FY18 Sidewalk Replacement

Public Works – Storm Water Division – amount needed \$182K

\$100K from FY17 A variety of projects from the CIP

-\$82K to be determined

Public Works – Waste Water Division- \$370K

\$370K from Fund Balance

Provo Power – amount needed \$189,524

\$189,524 from FY17 CIP

JViation Design Fee – \$250K

\$250K – General Fund – Aviation?

In house Design – Public Works – Engineering – absorbed?

ORDINANCE 2016-

AN ORDINANCE AMENDING CHAPTER 8.02 (ANIMAL CONTROL
GENERALLY) WITH REGARDS TO THE KEEPING OF SWINE. (16-084)

WHEREAS, it is proposed that Chapter 8.02 (Animal Control Generally) of the Provo City Code be amended to address the keeping of swine in regards to their control and distance from dwellings; and

WHEREAS, Section 10-8-67 of the Utah Municipal Code permits municipalities to compel the owner of any pigsty, privy, barn, corral, sewer or other unwholesome or nauseous house or place to cleanse, abate or remove the same, and may regulate the location thereof; and

WHEREAS, the keeping of swine within close proximity to residential dwellings presents a likelihood of nuisance and concerns of public health, safety, and welfare; and

WHEREAS, it is proposed that Chapter 8.02 (Animal Control Generally) of the Provo City Code be amended to provide that swine shall be confined within a secure outdoor enclosed area located at least three hundred (300) feet from any boundary line; and

WHEREAS, on July 19, 2016, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds (i) Section 8.02 of the Provo City Code should be amended as set forth below, and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Section 8.02 of the Provo City Code is hereby amended as follows:

8.02.210. Keeping Swine.

Swine shall be confined within a secure outdoor enclosed area located at least three hundred (300) feet from any boundary line.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

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44 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
45 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
46 invalid, the remainder of the ordinance shall not be affected thereby.
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48 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
49 updated to reflect the provisions enacted by this ordinance.
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51 D. This ordinance shall take effect immediately after it has been posted or published in
52 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
53 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.
54

55 END OF ORDINANCE.